

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension or)	
)	ORDER OF
Revocation of the Educator)	
)	REVOCATION
Certificate of)	
)	
Charles J. Smith, Sr.)	
)	
Certificate 217433)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this suspension or revocation matter on August 10, 2005. On September 16, 2004, the South Carolina Department of Education (Department) sent Charles J. Smith a notice of his right to a hearing before the State Board concerning the possible suspension or revocation of his South Carolina educator certificate 217433 by certified mail, return receipt, restricted delivery, and regular mail. Dr. Smith received the notice as evidenced by a postal receipt bearing his signature. Dr. Smith subsequently requested a hearing, which was held on June 15, 2005, by John Fantry, Esquire, a hearing officer appointed by the State Board.

On August 10, 2005, Mr. Fantry presented a report to the State Board of his findings and conclusions, and recommended that Dr. Smith's educator certificate 217433 be revoked. After receiving the report, the State Board voted to accept the recommendation that Dr. Smith's certificate be revoked.

FINDINGS OF FACT

Charles J. Smith applied for a South Carolina educator certificate during October 2003. Based on his representation that he held a valid Georgia educator certificate, the Department issued Dr. Smith a certificate in January, 2004, under its reciprocity agreement with Georgia through the National

Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Contract. In August 2004, the Department obtained information from NASDTEC that Dr. Smith's Georgia certificate had been revoked based on an administrative law judge's findings that Dr. Smith had engaged in inappropriate behavior towards young females while employed as a band teacher in a Georgia school district during the 2001-02 school year. The administrative law judge issued his Order on September 3, 2003, and the Order was upheld, on appeal to the Georgia Professional Standards Commission, on November 13, 2003. The revocation of the Georgia certificate based on findings that Dr. Smith engaged in inappropriate conduct toward female students is sufficient to conclude that Dr. Smith did engage in unprofessional conduct.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004), S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (1991). Just cause includes unprofessional conduct. After considering the findings of the hearing officer, the State Board concludes that there is substantial evidence to establish just cause to revoke the educator certificate of Charles J. Smith.

South Carolina State Board of Education

By: /S/ Paul M. Forrester
Paul M. Forrester
Chair

Columbia, South Carolina
August 10, 2005